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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/857,257
Filing Date: June 01, 2001
Appellant(s): ELDERING, CHARLES

Andrew W. Spicer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 11/30/2007 appealing from the Office action mailed 08/17/2007.

Art Unit: 3622

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

Art Unit: 3622

(8) Evidence Relied Upon

| | | |
|-----------|----------------|---------|
| 6,253,189 | FEEZELL ET AL. | 06-2001 |
| 6,327,574 | KRAMER ET AL. | 12-2001 |
| 5,835,896 | FISHER ET AL. | 11-1998 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8, 47-76 and 78-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feezell et al. in view of Kramer et al.

Claim 1. Feezell et al. discloses in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and receiving data, a method for auctioning an advertisement opportunity, said method comprising:

(a) providing notification of an advertisement opportunity from a content opportunity provider computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(b) receiving an advertisement characterization from an advertiser computer system, wherein said advertisement characterization corresponds to an advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(c) calculating a correlation factor between said advertisement characterization and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

Art Unit: 3622

(d) transmitting said correlation factor to said advertiser computer system prior to receiving a bid for said advertisement opportunity from said advertiser computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and

(e) receiving a successful bid for said advertisement opportunity at said content/opportunity provider computer system, wherein said successful bid results in the transmission of said advertisement to said consumer in said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Feezell et al. does not explicitly disclose the use of a correlation factor. However, Feezell et al. recites the use of valuation data, weight factor and correlations (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50). In an analogous art, Kramer et al. discloses a method for correlating an ad characterization vector and a consumer characterization vector in the evaluation of the advertisement opportunity (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method in Feezell et al. One would have been motivated to use a correlation factor in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 2. Feezell et al. and Kramer et al. disclose the method described in claim 1 but do not explicitly disclose wherein said advertisement characterization is in the form of an ad characterization vector, said consumer is represented by a consumer characterization vector, and said correlation factor in step (c) is calculated as the scalar product between said ad characterization vector and said consumer characterization vector. Kramer discloses the feature of an ad characterization vector and a consumer characterization

vector (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the correlation method in Feezell et al. One would have been motivated to use the scalar product of the advertisement and consumer vectors to provide a more rigorous mathematical foundation to the correlation factor used in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 3. Feezell et al. and Kramer et al. disclose the method described in claim 2 but do not explicitly disclose wherein said consumer characterization vector contains a demographic characterization of said consumer and wherein' said ad characterization vector contains a demographic characterization of the target market for said advertisement. Kramer et al. teaches the use of vectors to characterize ads and consumers (col 10, lines 47-67 and col 11, lines 1-10). Furthermore, Kramer et al. also teaches the use of demographics information in characterizing the vectors (col 11, lines 38-53; col 21, lines 7-19 and Figs 10, 11A and 11B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the characterization of the advertisement and the consumer by using vectors and demographic information. One would have been motivated to enhance the relevancy of the correlation by providing additional practical information.

Claim 4. Feezell et al. and Kramer et al. disclose the method described in claim 2 but do not explicitly disclose wherein said consumer characterization vector contains a product preference characterization of said consumer and wherein said ad characterization

vector contains a product preference target market for said advertisement. Kramer et al. teaches the use of vectors to characterize consumers and advertisements wherein said consumer characterization vector contains a product preference characterization of said consumer and wherein said ad characterization vector contains a product preference target market for said advertisement (col 10, lines 34-38; col 11, lines 22-36; col 28, lines 45-55 and Fig 10, element 1036). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the characterization of the advertisement and the consumer by using vectors and product preference information. One would have been motivated to enhance the relevancy of the correlation by providing additional practical information for the consumer and advertisement vectors.

Claim 5. Feezell et al. discloses in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and receiving data, a method for auctioning an advertisement opportunity, said method comprising:

- (a) providing notification of an advertisement opportunity from a content opportunity provider computer system to a plurality of computer systems representing advertisers, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (b) receiving a plurality of advertisement characterizations from said plurality of computer systems representing advertisers, wherein each of said advertisement characterization corresponds to advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

Art Unit: 3622

- (c) calculating a plurality of correlation factors between said advertisement characterizations and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (d) transmitting said correlation factors to said plurality of computer systems representing advertisers prior to receiving a bid for said advertisement opportunity from said plurality of computer systems representing advertisers (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (e) receiving a plurality of bids for said advertisement opportunity at said content/opportunity provider computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and
- (f) selecting a successful bid from said plurality of bids for said advertisement opportunity wherein said successful bid results in the transmission of said advertisement to said consumer in said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Feezell et al. does not explicitly disclose the use of a correlation factor. However, Feezell et al. recites the use of valuation data, weight factor and correlations (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50). In an analogous art, Kramer et al. discloses a method for correlating an ad characterization vector and a consumer characterization vector in the evaluation of the advertisement opportunity (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method in Feezell et al. One would have been motivated to use a correlation factor in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 6. Feezell et al. and Kramer et al. disclose the method described in claim 5 but do not explicitly disclose wherein said advertisement characterization is in the form of an ad characterization vector, said consumer is represented by a consumer characterization vector, and said correlation factor in step (c) is calculated as the scalar product between said ad characterization vector and said consumer characterization vector. Kramer discloses the feature of an ad characterization vector and a consumer characterization vector (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the correlation method in Feezell et al. One would have been motivated to use the scalar product of the advertisement and consumer vectors to provide a more rigorous mathematical foundation to the correlation factor used in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 7. Feezell et al. and Kramer et al. disclose the method described in claim 6 but do not explicitly disclose wherein said consumer characterization vector contains a demographic characterization of said consumer and wherein said computer readable ad characterization vector contains a demographic characterization of the target market for said advertisement. Kramer et al. teaches the use of vectors to characterize ads and consumers (col 10, lines 47-67 and col 11, lines 1-10). Furthermore, Kramer et al. also teaches the use of demographics information in characterizing the vectors (col 11, lines 38-53; col 21, lines 7-19 and Figs 10, 11A and 11B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

modify the characterization of the advertisement and the consumer by using vectors and demographic information. One would have been motivated to enhance the relevancy of the correlation by providing additional practical information.

Claim 8. Feezell et al. and Kramer et al. disclose the method described in claim 6 but do not explicitly disclose wherein said consumer characterization vector contains a product preference characterization of said consumer and wherein said computer-readable ad characterization vector contains a product preference target market for said advertisement. Kramer et al. teaches the use of vectors to characterize consumers and advertisements wherein said consumer characterization vector contains a product preference characterization of said consumer and wherein said ad characterization vector contains a product preference target market for said advertisement (col 10, lines 34-38; col 11, lines 22-36; col 28, lines 45-55 and Fig 10, element 1036). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the characterization of the advertisement and the consumer by using vectors and product preference information. One would have been motivated to enhance the relevancy of the correlation by providing additional practical information for the consumer and advertisement vectors.

Claim 47. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein said correlation factor represents the degree of similarity between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 48. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein said correlation factor is non-Boolean. Kramer et al. teaches the use of non-Boolean terms (col 21, lines 7-31 and Figs. 1A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being non-Boolean. One would have been motivated to non-Boolean terms to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 49. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein said correlation factor is a gradation of the correlation between said advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 50. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein the value of said successful bid is based on the correlation

factor transmitted in step (d). Feezell et al. discloses the successful bid is based on the valuation data (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 51. Feezell et al. and Kramer et al. disclose the method of claim 1, but do not explicitly disclose wherein said correlation factor is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 52. Feezell et al. disclose in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and receiving data, a method for auctioning an advertisement opportunity, said method comprising:

(a) providing notification of an advertisement opportunity from a content/opportunity provider computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4),

(b) receiving an advertisement characterization from an advertiser computer system, wherein said advertisement characterization corresponds to an advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

Art Unit: 3622

- (c) calculating a correlation factor between said advertisement characterization and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (d) transmitting said correlation factor to said advertiser computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and
- (e) receiving a successful bid at said content/opportunity provider computer system, wherein said successful bid is received in response to said correlation factor being transmitted to said advertiser computer system for said advertisement opportunity and results in the transmission of said advertisement to said consumer in said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Feezell et al. does not explicitly disclose the use of a correlation factor. However, Feezell et al. recites the use of valuation data, weight factor and correlations (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50). In an analogous art, Kramer et al. discloses a method for correlating an ad characterization vector and a consumer characterization vector in the evaluation of the advertisement opportunity (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method in Feezell et al. One would have been motivated to use a correlation factor in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 53. Feezell et al. and Kramer et al. disclose the method of claim 52, wherein said correlation factor is transmitted to said advertiser computer system prior to receiving a

bid for said advertisement opportunity from said advertiser computer system (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 54. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein said correlation factor represents the degree of similarity between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 55. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein said correlation factor is non-Boolean. Kramer et al. teaches the use of non-Boolean terms (col 21, lines 7-31 and Figs. 1A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being non-Boolean. One would have been motivated to non-Boolean terms to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 56. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein said correlation factor is a gradation of the correlation between said advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33,

lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 57. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein the value of said successful bid is dependent on the correlation factor transmitted in step (d). Feezell et al. discloses the successful bid is based on the valuation data (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 58. Feezell et al. and Kramer et al. disclose the method of claim 52, but do not explicitly disclose wherein said correlation factor is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 59. Feezell et al. disclose in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and

Art Unit: 3622

receiving data, a method for auctioning an advertisement opportunity, said method comprising:

(a) providing notification of an advertisement opportunity from a content/opportunity provider computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(b) receiving an advertisement characterization from an advertiser computer system, wherein said advertisement characterization corresponds to an advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(c) calculating a correlation coefficient between said advertisement characterization and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(d) transmitting said correlation coefficient to said advertiser computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and

(e) receiving a successful bid for said advertisement opportunity at said content/opportunity provider computer system, wherein said successful bid results in the transmission of said advertisement to said consumer in said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Feezell et al. does not explicitly disclose the use of a correlation factor. However, Feezell et al. recites the use of valuation data, weight factor and correlations (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50). In an analogous art, Kramer et al. discloses a method for correlating an ad characterization vector and a consumer characterization vector in the evaluation of the advertisement opportunity (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the method in Feezell et al. One would have been motivated to use a correlation factor in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 60. Feezell et al. and Kramer et al. disclose the method of claim 59, wherein said correlation coefficient represents the degree of similarity between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 61. Feezell et al. and Kramer et al. disclose the method of claim 59, wherein said correlation factor is transmitted to said advertiser computer system prior to receiving a bid for said advertisement opportunity from said advertiser computer system (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 62. Feezell et al. and Kramer et al. disclose the method of claim 59, but do not explicitly disclose wherein said correlation coefficient is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to

include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 63. Feezell et al. disclose in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and receiving data, a method for auctioning an advertisement opportunity, said method comprising:

- (a) providing notification of an advertisement opportunity from a content/opportunity pro6der computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (b) receiving an advertisement characterization from an advertiser computer system, wherein said advertisement characterization corresponds to an advertisement (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (c) calculating a correlation factor between said advertisement characterization and said consumer in a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);
- (d) transmitting said correlation factor to said advertiser computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and
- (e) receiving a successful bid for said advertisement opportunity at said content/opportunity provider computer system, wherein said successful bid results in the transmission of said advertisement to said consumer in said advertisement opportunity,

and wherein said bid is based on said correlation factor (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Feezell et al. does not explicitly disclose the use of a correlation factor. However, Feezell et al. recites the use of valuation data, weight factor and correlations (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50). In an analogous art, Kramer et al. discloses a method for correlating an ad characterization vector and a consumer characterization vector in the evaluation of the advertisement opportunity (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method in Feezell et al. One would have been motivated to use a correlation factor in Feezell et al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 64. Feezell et al. and Kramer et al. disclose the method of claim 63, wherein said bid is calculated by said advertiser computer system using said correlation factor (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 65. Feezell et al. and Kramer et al. disclose the method of claim 63, disclose wherein said correlation factor is transmitted to the advertiser computer system prior to receiving a bid for said advertisement opportunity from said advertiser computer system (Feezell et al.: col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Claim 66. Feezell et al. and Kramer et al. disclose the method of claim 64 but do not explicitly disclose wherein said correlation factor represents the degree of similarity

between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 67. Feezell et al. and Kramer et al. disclose the method of claim 63, but do not explicitly disclose wherein said correlation factor is non-Boolean. Kramer et al. teaches the use of a non-Boolean terms (col 21, lines 7-31 and Figs. 1A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being non-Boolean. One would have been motivated to non-Boolean terms to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 68. Feezell et al. and Kramer et al. disclose the method of claim 63, but do not explicitly disclose wherein said correlation factor is a gradation of the correlation between said advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 69. Feezell et al. and Kramer et al. disclose the method of claim 63, but do not explicitly disclose wherein said correlation factor may be described by more than two values. In an analogous art, Kramer et al. teaches the inclusion of many inputs such as a product preference characterization in a subscriber profile and a product preference of a target market in an advertisement (col 10, lines 34-38; col 11, lines 22-36; col 28, lines 45-55 and Fig 10, element 1036). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include more than one values in the correlation factor. One would have been motivated to enhance the relevancy of the profile by providing additional practical information to generate a more accurate targeted audience.

Claim 70. Feezell et al. and Kramer et al. disclose the method of claim 63, but do not explicitly disclose wherein said correlation factor is a decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 71. Feezell et al. disclose in a networked environment having a plurality of computer systems interconnected for the purpose of instantaneously transmitting and

Art Unit: 3622

receiving data, a method for buying an advertisement opportunity, said method comprising:

(a) receiving at an advertiser computer system notification of an advertisement opportunity, from a content/opportunity provider computer system, wherein said advertisement opportunity corresponds to an opportunity to transmit an advertisement to a consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(b) providing an advertisement characterization corresponding to an advertisement from said advertiser computer system to a profiler computer system (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(c) receiving, at said advertiser computer system, from the profiler computer system, a correlation factor representing the correlation between said advertisement characterization and said consumer (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4);

(d) determining a bid for said advertisement opportunity (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4); and

(e) transmitting said bid to said content/opportunity provider (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4).

Feezell et al. does not explicitly disclose the use of a correlation factor. However, Feezell et al. recites the use of valuation data, weight factor and correlations (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50). In an analogous art, Kramer et al. discloses a method for correlating an ad characterization vector and a consumer characterization vector in the evaluation of the advertisement opportunity (col 10, lines 47-67 and col 11, lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method in Feezell et al. One would have been motivated to use a correlation factor in Feezell et

al.; thus, allowing a more efficient matching of the advertisement and the consumer in the bidding process.

Claim 72. Feezell et al. and Kramer et al. disclose the method of claim 71, but do not explicitly disclose wherein said determining is based at least in part on said correlation factor. Feezell et al. disclose the use of valuation data in the bidding process (col 11, lines 43 to col 12, lines 17 and Figs. 2, 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to base the determination on at least the correlation factor. One would have been motivated to use the correlation factor as one of the input tools in the determination since the correlation provide a good measure of the targeted audience in the context of the particular advertisement.

Claim 73. Feezell et al. and Kramer et al. disclose the method of claim 71, further comprising: receiving a notification that said bid was successful (Feezell et al.: col 12, lines 1-17).

Claim 74. Feezell et al. and Kramer et al. disclose the method of claim 71, but do not explicitly disclose wherein said correlation factor represents the degree of similarity between said advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor

representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 75. Feezell et al. and Kramer et al. disclose the method of claim 71, but do not explicitly disclose wherein said correlation factor is a gradation of the correlation between said advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 76. Feezell et al. and Kramer et al. disclose the method of claim 71, but do not explicitly disclose wherein said correlation factor is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 78. Feezell et al. and Kramer et al. disclose the method of claim 5, but do not explicitly disclose wherein each of said plurality of correlation factors represents the

degree of similarity between the corresponding advertisement and said consumer. Kramer et al. teaches the use of a degree of similarity (col 10, line 50 to col 11, line 36; col 28, lines 45-55 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a similarity degree. One would have been motivated to add the similarity feature to improve the efficiency of finding the appropriate targeted audience.

Claim 79. Feezell et al. and Kramer et al. disclose the method of claim 5, but do not explicitly disclose wherein each of said plurality of correlation factors is a gradation of the correlation between each corresponding advertisement characterization and said consumer. Kramer et al. teaches the use of a gradation factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor representing a gradation. One would have been motivated to add the gradation feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 80. Feezell et al. and Kramer et al. disclose the method of claim 5, but do not explicitly disclose wherein each of said plurality of correlation factors is decimal. Kramer et al. teaches the use of a decimal factor (col 10, line 50 to col 11, line 36; col 28, lines 45-55; col 33, lines 14-36 and Figs 11A-13B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method to include the correlation factor being decimal. One would have been motivated

Art Unit: 3622

to add the decimal feature to improve the efficiency of finding the accurate targeted audience by obtaining discrete and précised values.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feezell et al. and Kramer et al. as applied to claim 5 above, and further in view of Fisher et al.

Claim 9. Feezell et al. and Kramer et al. disclose the method described in claim 5 but do not explicitly disclose wherein the selecting of said successful bid in step is based on the highest bid of said plurality of bids. In an analogous art, Fisher et al. teaches the steps of determining a highest bid; transmitting the highest bid to the advertisers; and receiving additional bids from the advertisers, wherein said selecting the winning bid is performed subsequent to determining a highest bid, said transmitting the highest bid, and said receiving additional bids (col 6, lines 39-87 and col 7, lines 1-7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to expand on the bidding method of Feezell et al. and Kramer et al. One would have been motivated to allow for additional higher bids from advertisers to maximize profitability.

(10) Response to Argument

Appellants argue

Regarding claims 1-8, 47-51, 71-76 and 78-80, Appellant argues that the cited evidences do not teach the feature of “transmitting said correlation factor to said advertiser computer system prior to receiving a bid for said advertisement opportunity from said advertiser computer system” and “transmitting a correlation factor to the advertisement computer system

Art Unit: 3622

prior to receiving a bid" (page 14). In particular, Appellant argues that the Feezell reference is silent to the feature of a correlation factor thus the Feezell reference could not disclose the feature of a correlation factor between an advertisement characterization and a consumer. Furthermore, Appellant argues that the Feezell reference does not teach the sequence of steps in which the correlation factor is calculated from the information provided by the buyer but rather the bid is provided post bidding submission (page 14). Appellant argue that the Kramer reference does not cure the deficiency as the reference is directed to matching consumers and advertisements (page 15).

Examiner's response

The examiner respectfully disagrees as Feezell teaches the feature of the transmission of the valuation data to the advertiser prior to bidding (see at least col 5, line 63 to col 6, line 13). In particular, Feezell teaches employing valuation data, consumer demographic data (e.g. gender and age), weight factor and correlations to facilitate and enhance the process (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50) and exchanging the marketing and valuation information to assist the buyer in the buying process (col 11, lines 55 to 58) thus Feezell teaches interactive communications between the seller and buyers such as the valuation data and correlation being available to the buyer prior to a bid submission. However, Feezell does not explicitly disclose the specific correlation between an advertisement characterization and a consumer in a profiler computer system. Kramer is relied upon to teach the profiling correlation factor based on a more rigorous analytical and mathematical foundation such algorithms with ad and consumer vectors. Both Feezell and Kramer are directed to the field of targeted marketing based on valuation data. Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very

Art Unit: 3622

combination itself - that is in the inclusion of the profiling correlation calculation based on mathematical formulation of Kramer as marketing tool into the valuation and bidding process of Feezell. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious. Furthermore, a skilled artisan in the marketing art would have recognized that applying the known technique of Kramer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of targeted profiling correlation factor to the teachings of Feezell would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Further, applying an analytical and mathematical correlation factor that is based on the targeted consumer to Feezell would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for an enhanced advertisement matching thus it would be obvious to a skilled artisan that all the pertinent information are received prior to making a bid in order to effectively determine opportunity and optimize the decision making process.

Appellants argue

Regarding claims 1-8, 47-51, 71-76 and 78-80, Appellant argues that the examiner has overstated the teachings of the cited evidences as the Feezell reference does not teach the features:

(i) an advertisement characterization since aspects (c) and (d) of claim1 require that the advertisement characterization is used in the correlation calculation before the bid is received thus it would be impossible to provide a correlation factor calculated from the non-specific bid of Feezell (page 15) and

Art Unit: 3622

(ii) a comparative data of a consumer and advertisement characterization since Feezell's valuation data, weight factor and correlation are not the result of a comparison between consumer and advertisement and Kramer's correlation is not an obvious variants of Feezell's correlation thus the substitution would not yield all aspects of claim 1 (page 16). Furthermore, Appellant argues that the Kramer does not teach calculating and transmitting the correlation (page 17).

Examiner's response

The examiner respectfully disagrees as Feezell teaches the feature of the valuation data to the advertiser prior to bidding (see at least col 5, line 63 to col 6, line 13). In particular, Feezell teaches employing consumer demographic data (e.g. gender and age) and correlations in the valuation process (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50) and the offering the marketing and valuation data to assist the buyer in the valuation and buying process (col 11, lines 55 to 58) thus Feezell teaches interactive communications between the seller and buyers such as the valuation data and correlation being available prior to a formal bidding by the buyer. The examiner notes that a reasonable interpretation of an advertisement characteristic is the type of advertisement or the advertised company/product thus Feezell teaches an advertisement characterization by the mere knowledge of the potential buyer or product advertisement. Kramer is relied upon to teach the profiling correlation factor based on a more rigorous analytical and mathematical foundation that includes consumer demographics (consumer characterization vector) and advertisement information (ad characterization vector). Both Feezell and Kramer are directed to the field of targeted marketing based on valuation data. Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself - that is in the

Art Unit: 3622

inclusion of the analytical and mathematical correlation factor of Kramer. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious. Furthermore, a skilled artisan in the marketing art would have recognized that applying the known technique of Kramer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of targeted profiling correlation factor to the teachings of Feezell would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Further, applying an analytical and mathematical correlation factor that is based on rigorous analytical and mathematical equations to match advertisement and targeted consumer via profiling to Feezell would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for an enhanced advertisement matching thus it would be obvious to a skilled artisan that all the pertinent information are received prior to making a bid in order to effectively determine opportunity and optimize the decision making process.

Appellants argue

Regarding claims 1-8, 47-51, 71-76 and 78-80, Appellant argues that the Feezell and Kramer evidences do not teach receiving an advertisement characterization as an input in the correlation calculation prior to the bidding (page 17). Appellant argues that there is difference between providing the valuation information of Feezell and the correlation factor that is customized based on an advertisement characterization. The Feezell valuation information is not specific to a correlation between a consumer and advertisement characterization as required in claim 1 (page 17).

Examiner's response

The examiner respectfully disagrees as Feezell teaches the feature of the valuation data to the advertiser prior to bidding (see at least col 5, line 63 to col 6, line 13). In particular, Feezell teaches employing consumer demographic data (e.g. gender and age) and correlations in the valuation process (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50) and the offering the marketing and valuation data to assist the buyer in the valuation and buying process (col 11, lines 55 to 58) thus Feezell teaches interactive communications between the seller and buyers such as exchanges of valuation data and correlation being prior to a bidding by the buyer. The examiner notes that a reasonable interpretation of an advertisement characteristic is the type of advertisement or the advertised company/product thus Feezell teaches an advertisement characterization by the mere knowledge of the potential buyer or product advertisement. Kramer is relied upon to teach the profiling correlation factor based on a more rigorous analytical and mathematical foundation that includes consumer demographics (consumer characterization vector) and advertisement information (ad characterization vector). Both Feezell and Kramer are directed to the field of targeted marketing based on valuation data. Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself - that is in the inclusion of the analytical and mathematical correlation factor of Kramer into the method of Feezell. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious. Furthermore, a skilled artisan in the marketing art would have recognized that applying the known technique of Kramer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of targeted profiling correlation factor to the teachings of Feezell would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied

Art Unit: 3622

shows the ability to incorporate such data processing features into similar systems. Further, applying an analytical and mathematical correlation factor that is based on rigorous analytical and mathematical equations to match advertisement and targeted consumer via profiling to Feezell would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for an enhanced advertisement matching thus it would be obvious to a skilled artisan that all the pertinent information are received prior to making a bid in order to effectively determine opportunity and optimize the decision making process.

Appellants argue

Regarding claims 1-8, 47-51, 71-76 and 78-80, Appellant argues that there is no motivation to combine the cited evidences and that the inclusion of Kramer's elements would change the principle of operation of the Feezell reference (page 18). In particular, Appellant argues that the cited references work on different paradigms: Feezell is based on a non-specific bids with time slots and Kramer is based on a specific matching of consumer to content. Appellant also argues that the submission of an advertisement characterization is a missing element in the combination.

Examiner's response

The examiner respectfully disagrees as Feezell teaches the feature of employing valuation data, consumer demographic data such as gender and age, weight factor and correlations to facilitate and enhance the bidding process (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50). In particular, Feezell teaches a specific bidding embodiment such as a "bid is received from the buyer to buy a time slot [...]. The bid can be specific or a non-specific bid." (col 11, lines 58-60) thus Feezell teaches interactive communications between the seller and buyers such as the valuation data and correlation being available prior to a formal bidding

Art Unit: 3622

by the buyer for a specific advertising opportunity. The examiner notes that a reasonable interpretation of an advertisement characteristic is the type of advertisement or the advertised company/product thus Feezell teaches an advertisement characterization by the mere knowledge of the potential buyer or product advertisement. Kramer is relied upon to teach the profiling correlation factor based on a more rigorous analytical and mathematical foundation that includes consumer demographics (consumer characterization vector) and advertisement information (ad characterization vector). Both Feezell and Kramer are directed to the field of targeted marketing based on valuation data. Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself - that is in the inclusion of the analytical and mathematical correlation factor of Kramer. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious. Furthermore, a skilled artisan in the marketing art would have recognized that applying the known technique of Kramer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of targeted profiling correlation factor to the teachings of Feezell would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Further, applying an analytical and mathematical correlation factor that is based on rigorous analytical and mathematical equations to match advertisement and targeted consumer via profiling to Feezell would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for an enhanced advertisement matching thus it would be obvious to a skilled artisan that all the pertinent information are received prior to making a bid in order to effectively determine opportunity and optimize the decision making process.

Appellants argue

Regarding claims 52-56 and 58, Appellant argues that there is no motivation to combine the cited evidences and that combination would be silent on the features of “providing notification of an advertisement opportunity ... an opportunity to transmit an advertisement to a consumer” and a “successful bid is received in response to said correlation factor being transmitted” (page 19). In particular, Appellant argues that Feezell teaches the bid being submitted before a comparison of the offers by the bid and by the seller.

Examiner's response

The examiner respectfully disagrees as Feezell teaches the feature of “receiving offer to sell a time slot [the advertisement]” (col 11, lines 20-25 and 45-46) and transfer of ownerships between seller and buyer (abstract) thus Feezell teaches interactive communications between the seller and buyers such as offer for an advertisement opportunity, exchange of valuation data and correlations prior to a bidding by the buyer for a specific advertising opportunity and the successful bid leading to an advertisement by the buyer. Kramer is relied upon to teach the profiling correlation factor based on a more rigorous analytical and mathematical foundation that includes consumer demographics (consumer characterization vector) and advertisement information (ad characterization vector). Both Feezell and Kramer are directed to the field of targeted marketing based on valuation data. Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself - that is in the inclusion of the analytical and mathematical correlation factor of Kramer. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious. Furthermore, a skilled artisan in the marketing art would have

Art Unit: 3622

recognized that applying the known technique of Kramer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of targeted profiling correlation factor to the teachings of Feezell would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Further, applying an analytical and mathematical correlation factor that is based on rigorous analytical and mathematical equations to match advertisement and targeted consumer via profiling to Feezell would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for an enhanced advertisement matching thus it would be obvious to a skilled artisan that all the pertinent information are received prior to making a bid in order to effectively determine opportunity and optimize the decision making process.

Appellants argue

Regarding claim 57, Appellant argues that there is no motivation to combine the cited evidences, that valuation data of Feezell is not equivalent to a correlation factor and that bid of Feezell is not dependent on the valuation data (page 20). In particular, Appellant argues that Feezell does not disclose a description of the valuation data and the sequence of steps of submission of data by buyer followed by a correlation calculation.

Examiner's response

The examiner respectfully disagrees as Feezell teaches the feature of the valuation data to the advertiser prior to bidding (see at least col 5, line 63 to col 6, line 13). In particular, Feezell teaches employing consumer demographic data (e.g. gender and age) and correlations in the valuation process (col 5, lines 31-47; col 7, lines 34-45 and col 11, lines 48-50) and the offering the marketing and valuation data to assist the buyer in the valuation and buying process

Art Unit: 3622

(col 11, lines 55 to 58) thus Fezeel teaches interactive communications between the seller and buyers such as the valuation data and correlation being available prior to a formal bidding by the buyer. The examiner notes that a reasonable interpretation of an advertisement characteristic is the type of advertisement or the advertised company/product thus Feezell teaches an advertisement characterization by the mere knowledge of the potential buyer or product advertisement. Kramer is relied upon to teach the profiling correlation factor based on a more rigorous analytical and mathematical foundation that includes algorithms with consumer demographics (consumer characterization vector) and advertisement information (ad characterization vector). The examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, the examiner asserts that it is not necessary that a reference actually suggest changes or possible improvements which the applicant made, as stated in In re Sheckler, 168 USPQ 716 (CCPA 1971). The Patent & Trademark Office can satisfy the burden under § 103 to establish a prima facie case of obviousness "by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." In re Fine, 5 USPQ2d 1596, 1598 (CA FC 1988). Therefore, the test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). Both Feezell and Kramer are directed to the field of targeted marketing based on assisted by valuation tools. Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself - that is in the inclusion of the analytical and

Art Unit: 3622

mathematical correlation factor of Kramer. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious. Furthermore, a skilled artisan in the marketing art would have recognized that applying the known technique of Kramer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of targeted profiling correlation factor to the teachings of Feezell would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Further, applying an analytical and mathematical correlation factor that is based on rigorous analytical and mathematical equations to match advertisement and targeted consumer via profiling to Feezell would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for an enhanced advertisement matching thus it would be obvious to a skilled artisan that all the pertinent information are received prior to making a bid in order to effectively determine opportunity and optimize the decision making process.

Appellants argue

Regarding claims 63-70, Appellant argues that the cited evidences are silent on the features of "providing notification of an advertisement opportunity ... an opportunity to transmit an advertisement to a consumer" and "said bid is based on said correlation" (page 21). In particular, Appellant argues that Feezell does not teach the equivalency of valuation data and correlation factor and the sequence of steps of submission of data by buyer followed by a correlation calculation.

Examiner's response

The examiner respectfully disagrees as Feezell teaches the feature of “receiving offer to sell a time slot [the advertisement]” (col 11, lines 20-25 and 45-46) and transfer of ownerships between seller and buyer (abstract) thus Feezell teaches interactive communications between the seller and buyers such as an offer for an advertisement opportunity, exchanges of valuation data and correlations prior to a bidding by the buyer for a specific advertising opportunity and the successful bid leading to an advertisement by the buyer. Kramer is relied upon to teach the profiling correlation factor based on a more rigorous analytical and mathematical foundation that includes consumer demographics (consumer characterization vector) and advertisement information (ad characterization vector). Both Feezell and Kramer are directed to the field of targeted marketing based on valuation data. Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself - that is in the inclusion of the analytical and mathematical correlation factor of Kramer as a valuation tool in the process of Feezell. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious. Furthermore, a skilled artisan in the marketing art would have recognized that applying the known technique of Kramer would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of targeted profiling correlation factor to the teachings of Feezell would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Further, applying an analytical and mathematical correlation factor that is based on rigorous analytical and mathematical equations to match advertisement and targeted consumer via profiling to Feezell would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow for an

Art Unit: 3622

enhanced advertisement matching thus it would be obvious to a skilled artisan that all the pertinent information are received prior to making a bid in order to effectively determine opportunity and optimize the decision making process.

Appellants argue

Regarding claim 9, Appellant argues that the cited evidences do not teach the features of claim 5 thus would be allowable based on its dependency of claim 5.

Examiner's response

The examiner directs appellants to the discussion of claim 5 above for a detailed response to the argument.

Art Unit: 3622

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/T. V. N./
Examiner, Art Unit 1796

/Eric W. Stamber/
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